IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(Crl.).No. 291 of 2006(S)

PETITIONER:

N. JOY KUMAR, SWAYAMPRABHA BHAVAN,
THIRUMALA P.O., PANGODU,
THIRUVANANTHAPURAM-6.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS:
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1. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
IDUKKI DISTRICT.

3. COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY.

4. CIRCLE INSPECTOR, MUSEUM POLICE
STATION, THIRUVANANTHAPURAM.

5. ASHA JOY KUMAR, ASHA BHAVAN,
ANAVIRATTI P.O., ADIMALI.

6. ANIL KUMAR. M.P., ASHA BHAVAN,
ANAVIRATTI P.O., ADIMALI.

R1 TO R4 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.S.RAJEEV FOR R5

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THIRUVALLAH MUNICIPALITY DT. 27.01.2003.

EXT.P2: TRUE COPY OF THE DECISION OF THE DISTRICT COURT FREISTADT AUSTRIA.

EXT.P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AUSTRIAN POLICE AUTHORITIES.

EXT.P4: TRUE COPY OF THE RELEVANT PORTION OF THE PASSPORT OF THE WARD.

EXT.P5: TRUE COPY OF THE PRE ARREST APPLICATION.

EXT.P6: TRUE COPY OF THE COMPLAINT TO THE FIRST RESPONDENT DT. 16.12.2006.

EXT.P7: TRUE COPY OF THE SPEED POST RECEIPTS.

EXT.P8: TRUE COPY OF THE CERTIFICATE ISSUED BY THE FAMILY DOCTOR AT AUSTRIA ST. 12.12.2006.

RESPONDENTS' EXHIBITS:

EXT.R5(a): THE TRUE COPY OF THE COMPLAINT SUBMITTED BY PETITIONER'S BROTHER BEFORE THE CIRCLE INSPECTOR OF POLICE, MUSEUM POLICE STATION DATED 10.12.2006.

EXT.R5(b): TRUE COPY OF THE FIR IN CRIME NO.293 OF 2006 DATED 10.12.2006.

EXT.R5(c): TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM THE VIJAYARAJA HOSPITAL, ADIMALY DATED 14.12.2006.

EXT.R5(d): TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM THE VIJAYARAJA HOSPITAL, ADIMALY DATED 14.12.2006.

// TRUE COPY //

TKS

J.B.KOSHY & K.P.BALACHANDRAN,JJ.

W.P.(Crl.)No.291 OF 2006

Dated 11th January, 2007

JUDGMENT

Koshy,J.

The alleged detenue and child were present. Petitioner is working in Austria. The child is only one and a half years old and he needs care and affection from the mother. It is submitted that petitioner will arrange visa for taking Asha Joy Kumar also to Austria and they will live together. The child will be under the custody of the mother. Petitioner can go to Austria and arrange visa. On arranging visa the fifth respondent also will withdraw the criminal cases filed by her.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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